

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

OPAL RUN, LLC,

Plaintiff,

v.

C & A MARKETING, INC.,

Defendant.

Case No. 2:16-cv-00024-JRG-RSP

PATENT CASE

JURY TRIAL DEMANDED

LEAD CASE

OPAL RUN LLC,

Plaintiff,

v.

OVERNIGHTPRINTS, INC.,

Defendant.

Case No. 2:15-cv-2041-JRG-RSP

PATENT CASE

JURY TRIAL DEMANDED

JOINT MOTION TO DISMISS

COME NOW Plaintiff Opal Run LLC (“Opal Run”) and Defendant OvernightPrints, Inc. (“ONP”) (together the “Parties”) and jointly submit this Joint Motion to Dismiss pursuant to Fed. R. Civ. P. 41(a)(2) applicable to both Civil Action 2:15-cv-2041-RSP-JRG (member case) and Civil Action 2:16-cv-24-RSP-JRG (lead case) (together the “Action”) and move the Court to dismiss the Action on the following terms agreed to by the Parties:

1. Opal Run dismisses its claims for relief asserted against ONP in the Action *with* prejudice;
2. ONP dismisses its claims for relief asserted against Opal Run in the Action *without* prejudice;

3. ONP covenants not to seek or help another party seek invalidation of U.S. Patent No. 6,704,120 (the “120 Patent”) unless ONP is accused of infringing the ’120 Patent.

A proposed order granting the requested relief is filed herewith.

Dated: May 19, 2017

Respectfully submitted,

/s/ David A. Bailey
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**Counsel for Defendant
OVERNIGHTPRINTS, INC.**

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the above document was served on all counsel of record via electronic mail on May 19, 2017.

/s/ David A. Bailey
David A. Bailey